

JUL 13 2004

OFFICIAL

PTO/SB/21 (08-03)

Approved for use through 07/31/2006 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/616,094	
	Filing Date	July 8, 2003	
	First Named Inventor	Francis J. Martin	
	Art Unit	1642	
	Examiner Name	Katcheves	
Total Number of Pages in This Submission	3	Attorney Docket Number	5325-0151.31N2

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Response to Restriction Requirement (Species Election) mailed May 19, 2004.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Judy M. Mohr; Reg. No. 38,563; ALZA Corporation, Customer No. 27777
Signature	<i>Judy Mohr</i>
Date	July 13, 2004

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date: VIA FACSIMILE NO. (703) 872-9306	
Typed or printed name	Lois E. Miller
Signature	<i>Lois E. Miller</i>
Date	7-13-2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**OFFICIAL****RECEIVED  
CENTRAL FAX CENTER****JUL 13 2004**

I hereby certify that, on the date shown below, this correspondence is being:

- ☐ deposited with the United States Postal Service in an envelope addressed to: Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450,  
☐ under 37CFR § 1.8(a), with sufficient postage as first class mail, or  
☐ under 37CFR § 1.10, as "Express Mail Post Office to Addressee" Mailing Label No.  
EV \_\_\_\_\_ US \_\_\_\_\_
- ☒ transmitted by facsimile to the Patent and Trademark Office, Fax Number (703) 872-9306

**PATENT**Atty. Docket No.  
5325-0151.31.N2

J&amp;J REF.:SQ00191

Date: July \_\_\_\_, 2004 By: \_\_\_\_\_

Lois E. Miller

**CN 27777****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**IN RE APPLICATION OF; MARTIN *ET AL.*

APPLICATION No.: 10/616,094

FILED: JULY 8, 2003

FOR: THERAPEUTIC LIPOSOME COMPOSITION AND  
METHOD

EXAMINER: KATCHEVES

ART UNIT: 1615

CONF. No: 1352

**Response to Restriction Requirement**Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Office action mailed May 19, 2004.

Attorney Docket No. 5325-0151.31.N2/SQ00191

**REMARKS**

The Examiner requests under 35 U.S.C. § 121 election of a single disclosed species for prosecution on the merits. Specifically, the Examiner finds patentably distinct species of hydrophilic polymers in claim 5 and of affinity moieties in claim 11.

Consonant with this requirement, Applicants elect for prosecution on the merits the hydrophilic polymer polyethylene glycol and the affinity moiety of a peptide. Claims readable on the election are claims 1-3, 5-10, and 12-17.

Applicants understand that upon allowance of a generic claim, consideration of the additional species written in dependent form will be provided.

If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (650) 838-4402.

Respectfully submitted,

Date: July 13, 2004

Judy M. Mohr  
Judy M. Mohr  
Registration No. 38,563

Correspondence Address:  
Customer No. 27777